

UNITED STATES DISTRICT COURT
John Joseph Moakley Court House
1 Courthouse Way, Suit 2300
Boston MA, 02210

Mr. Michael Pina :
 :
 : In re: 1:04-CR-10195-PBS-1
 v. :
 UNITED STATES OF AMERICA :

**MOTION FOR THE REMOVAL OF COUNSEL
TIMOTHY G. WATKINS AND THE APPOINT-
MENT OF NEW COUNSEL TO REPRESENT
PETITIONER**

Comes now, Defendant Michael Pina, Pro-se who respectfully request this Honorable Court in the Intrest of Justice to remove the Court's appointed Counsel Mr. Timothy G. Watkins from the defendants case for the following reasons:

1. On or about March 7, 2008, I wrote this Court to inquire whether I was eligible for the New (2) point reduction pursuant the Supreme Court ruling in Kimrough v. United States, 06-6330 which dealt with the statute Criminalizing the manufacture and distribution of Cocaine Pursuant to 21 U.S.C. § 841 and the 100 to 1 disparity to powder cocaine and the new Sentencing guidelines.
2. The Court appointed Mr. Timothy G. Watkins as counsel.
3. On or about April 23, 2008, Mr. Timothy G. Watkins wrote me a letter indicating that he has determined that I am not eligible

for a reduction under the amended crack cocaine guideline. And informing me that you had directed the government and Mr. Watkins as my attorney to file a joint status memorandum.

4. Mr. Watkins then went into his intention to report in that memorandum his belief that the amendment did not apply to me, further I was requested to contact his office if I believed that there was some fact that he overlooked.

5. I am not an attorney nor do I have any knowledge of the Law however I do know when I am being informed that Mr. Watkins intent is to file a ANDERS Brief ANDERS v. CALIFORNIA, 386 US 738, 18 L ed 493 (1967). Informing the Court by memorandum that after a study of the record, he has concluded that there is not merit.

6. I have made several attempts to contact Mr. Watkins by phone and have not contacted or spoken to him yet concerning these issues the phone system here does not allow messages to be left when placing calls, If no one answers the phone just cut's off and you cannot leave detailed messages on answering machines. As requested by Mr. Watkins.

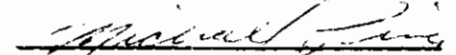
7. Further, Mr. Watkins was informed by my previous counsel Michael Andrews, who informed him that I was trying to get in touch with him about the issues.

8. Furthermore, Petitioner request that as an alternative if the court decide not to appoint new counsel, The court consider allowing me to file my own Petition Pro-se.

9. Because regardless, counsel has determined that I am not eligible for a reduction under the amended crack cocaine guideline. See Exhibit (a) Letter from Timothy G. Watkins, Attorney.

For the following reasons I am requesting that the court remove Mr. Watkins and appoint New Counsel to represent me in this matter or as an alternative allow me to represent my self.

Respectfully Submitted



Mr. Michael Pina - Pro-se
No. 25275-038
F.C.I. Allenwood
P.O. Box 2000
White Deer, PA 17887

PROOF OF SERVICE

I certify that on 8/1/2008 (date) I mailed a copy of this brief and all attachments via first class mail to the following parties at the addresses listed below:

Judge Patti B. Saris
United states District Court
Joun Joseph Moakley CourtHouse
1 Court House Way, Suit 2300
Boston MA 02210

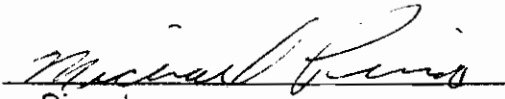
and

Mr. Timothy G. Watkins - Esq.
Assistant Federal Defender
District of Massachusetts
408 Atlantic Ave 3rd Floor
Boston Mass. 02110

PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on 8/1/08 (date) for forwarding to the DISTRICT COURT. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.


Signature

Dated: 8/1/2008